

REMARKS

Claims 1-6, 8-14, 17, 20, 24, 28-32 and 35 stand rejected under 35 USC 103(a) as being unpatentable over Lacasse et al. (US2003/0164318) in view of Brown (US6691885). Applicant respectfully disagrees with the Examiner's analysis of the cited prior art and requests reconsideration of the claims in light of the remarks below.

More specifically, the Examiner states that the features of the invention as presently claimed are all present in the disclosure of Lacasse, with the exception of the moveable side panel "which is pivotable about a pivot mounting spaced apart from the corner of the container to render open a side access permitting end portion of the container at said corner." Whilst Applicant concurs that this feature is not disclosed in Lacasse, it is respectfully submitted that this is not the only feature which distinguishes claim 1 with respect to the arrangement of Lacasse.

In particular, claim 1 recites "an upright restraint configured to be advanced and retracted across the width of the container." The Examiner equates supports 22 and 24 of Lacasse to the upright restraint of claim 1 and states that the folded/unfolded configurations of Figures 2 and 3 equate to the advanced/retracted configurations of the upright restraint of claim 1. Such analysis is misguided as the folded/unfolded configurations of Figures 2 and 3 of Lacasse clearly do not correspond to the advanced/retracted configurations of the upright restraint of claim 1. Specifically, the supports 22 and 24 of Figures 2 and 3 of Lacasse pivot about a fixed point between

vertical and horizontal positions with respective folded/unfolded configurations. See paragraph [0022] of Lacasse. In contrast, the advancement and retraction of the upright restraint of claim 1 involves forward and backward relocation of the upright restraint, rather than simply pivoting about a fixed point. Moreover, even if the simple pivoting/folding action of the supports 22, 24 of Lacasse could be interpreted as advancing and retracting, it is respectfully submitted that such pivoting/folding motion is performed relative to the longitudinal axis of the container. Thus, supports 22, 24 are not **moved across the width of the container** as recited in claim 1. Therefore, it is respectfully submitted that Lacasse does not teach or suggest the use of “an upright restraint configured to be advanced and retracted across the width of the container” as recited in claim 1.

Claim 1 also recites “an access permitting end portion” as part of “an access arrangement, enabling placing items into the container or removing items from the container.” The Examiner refers to Figure 2 of Lacasse as teaching the “access permitting end portion” of claim 1. Such analysis is misguided as Figure 2 of Lacasse does not show end panels 18 and 20 “enabling placing items into the container or removing items from the container” as recited in claim 1. In contrast, Figure 2 of Lacasse only shows an open top. Although the front panel 14 is not shown in Figure 2, this is purely for illustrative purposes as clearly explained in lines 1 and 2 of paragraph 22 of Lacasse, and is not an indication of functionality of the side panels of the container of Lacasse. Therefore, access to the container of Lacasse is via the top so that glass panels are ‘received’ by vertical posts 26, 28 (paragraph 22). The end panels 18, 20 of Lacasse

only fold inwards to facilitate transportation of the container as shown in Figure 5, not to provide access to the interior of the container for removal or insertion of items. Thus, Lacasse is utterly silent with respect to access to the interior of the container via any of the side or end walls. Therefore, the Lacasse arrangement does not comprise an ‘access permitting end portion’ as per claim 1.

Therefore, it is respectfully submitted that claim 1 recites at least two distinguishing features over Lacasse, and thus a mosaic of disclosures would be required to arrive at the features of claim 1 by combining Lacasse with other known arrangements. This could not be achieved without significant inventive skill.

The Examiner agrees that Lacasse does not disclose a container provided with a pivotable side panel, but states that it would be obvious to incorporate the side panel 90 of Brown into the container of Lacasse to arrive at the features of claim 1. However, claim 1 requires not only the inclusion of a moveable side panel but also defines its location (i.e., proximate the access permitting end portion) and its functionality (i.e., to render open the access permitting end portion). Thus, the side panel of claim 1 is defined in relation to the “access permitting end portion” and this combination of features is not taught or suggested by the cited prior art. Specifically, mere incorporation of the side panel of Brown into the container of Lacasse is not sufficient to arrive at the features of claim 1 — the position and functionality criteria must also be met. In order to achieve this, an access permitting end portion would also need to be incorporated into Lacasse as well as the side panels of Brown. This would require more than trivial inventive skill.

Moreover, the side panel/end portion combination of the present invention is not taught or even hinted at in Lacasse. Therefore, one of ordinary skill in the art would not be motivated to look towards Brown (or any other prior art disclosure) for the concept of a pivotable side panel.

For these reasons, claim 1 is clearly patentable over the cited prior art.

The dependent claims are patentable over the cited prior art for those reasons advanced above with respect to claim 1 from which they respectively depend, and for reciting additional features that are not taught or suggested by the cited prior art.

New claims 37 and 38 recite that the side panel is arranged to “pivot about a vertical pivot axis.” This feature is not taught or suggested by the cited prior art.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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